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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,752	10/03/2000	James D. Shaffer	TARINFO.016A	5520
27189	7590	11/02/2005	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP			JEANTY, ROMAIN	
530 B STREET			ART UNIT	
SUITE 2100			PAPER NUMBER	
SAN DIEGO, CA 92101			3623	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/678,752

Applicant(s)

SHAFFER ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 57-150 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-140 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This Office action is in response to the communication received July 21, 2005.

### **Response to Arguments**

2. Applicant's arguments filed July 21, 2005, with respect to the Restriction/Election have been fully considered and are persuasive. The Restriction/Election of claims 57-140 has been withdrawn. Claims 57-140 are pending in the application.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 57-140 are rejected under 35 U.S.C. 102(b) as being anticipated by Tornetta (U.S. Patent No. 4,870,576).

As per claims 57, 59, 62-68, 71-95, 98-104, 111, 114-116, 122-123, 126-128, 134-135, 138-140, Tornetta discloses interactively generating a list specification in real-time, interactively specifying a geographically defined area for which a contact list is desired including receiving user input (col. 2, lines 32-33; col. 9, lines 4-15, and col. 10, lines 12-224), interactively selecting a product "property" from a plurality of products and a threshold score for the product including receiving a user input (i.e., selecting a property including ranges of prices, lot size, sewer system, etc. Note col. 2, lines 24-29 and col. 10, lines 13-35), transmitting the list specification over the

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computer network to a server having a memory (transmitting the list to a host system (col. 10, lines 13-35);

building the contact list on the server in real-time based on the list specification (col. 9, lines 48-58), and transmitting the contact list to a user-specified node on the computer network if one or more characteristics of the contact list are approved by a user (col. 9, line 48-65).

As per claims 58, 94, 107, 119, 130-131, Tornetta further discloses wherein the characteristics of the contact list include a number of names/records on the contact list, the list specification for the contact list and a cost of the contact list (col. 3, lines 10-19; col. 7, lines 15-44).

As per claims 60, 96, 108, 120, Tornetta further discloses storing (in a database) the list specification in a memory (col. 8, lines 1-31), and it is inherent to rebuilding the contact list at a predetermined future time based on the stored list specification.

As per claims 61, 97, 109, 121, 133, Tornetta further discloses wherein the stored list specification corresponds to a selected business location of a multiple location business (col. 1 lines 29-52).

As per claims 69-70, 93, 105, 113, 124-125, 129, 132, 136-137, claim 69 recites the same limitations of rejected claim 57 above, with the only difference that claim 69 recites a server connected through a network. So claim 69 is rejected under the same rationale relied upon of claim 57. Tornetta further discloses such a server (host system 200). Note col. 7, lines 15-26 of Tornetta.

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As per claim 117, claim 117 recites the same limitations of rejected claim 69 above except for a specify location and a radius. In addition, Tornetta teaches such a specify location and radius. Note col. 9, lines-41. Therefore, claim 117 is rejected under the same analysis relied upon of claim 69.

### Conclusion

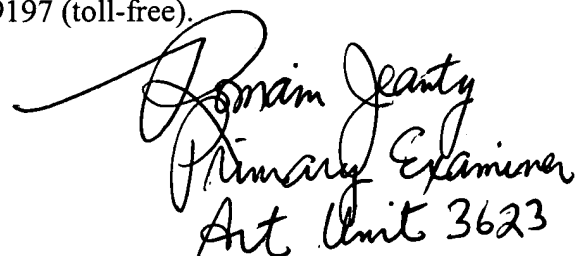
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bailey (US Patent No. 6,785,671) discloses a searching system which selects a product with a threshold score.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Romain Jeanty  
Primary Examiner  
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